

### **Part 3**

## **Operational Requirements for Liquor Warehousing License**

### **32B-12-301 General operational requirements for liquor warehousing license.**

- (1)
  - (a) A liquor warehouser licensee and staff of the liquor warehouser licensee shall comply with this title and the rules of the commission.
  - (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
    - (i) a liquor warehouser licensee;
    - (ii) individual staff of a liquor warehouser licensee; or
    - (iii) both a liquor warehouser licensee and staff of the liquor warehouser licensee.
- (2)
  - (a) A liquor warehouser licensee shall make and maintain records required by the department.
  - (b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (2).
- (3) A liquor warehousing license may not be transferred from one location to another location, without prior written approval of the commission.
- (4)
  - (a) A liquor warehouser licensee may not sell, transfer, assign, exchange, barter, give, or attempt in any way to dispose of the license to another person, whether for monetary gain or not.
  - (b) A liquor warehousing license has no monetary value for any type of disposition.
- (5) A liquor warehouser licensee may not employ a minor to handle an alcoholic product.
- (6) Liquor that is warehoused in this state and sold to an out-of-state consignee, may be transported out of the state only by a motor carrier regulated under Title 72, Chapter 9, Motor Carrier Safety Act.
- (7) Liquor that is warehoused in this state and sold to the department may be transported only by a motor carrier approved by the department.
- (8) Liquor transported to or from a liquor warehouser licensee's licensed premises shall be carried in a sealed conveyance that is made available for inspection by the department while en route within the state.
- (9) A liquor warehouser licensee may not ship, convey, distribute, or remove liquor from a warehouse in less than a full case lot.
- (10) A liquor warehouser licensee may not ship, convey, distribute, or remove liquor from a warehouse to a consignee outside the state that is not licensed as a liquor wholesaler or retailer by the state in which the consignee is domiciled.
- (11) A liquor warehouser licensee may not receive, warehouse, distribute, transport, ship, or convey liquor that the commission has not authorized the liquor warehouser licensee to handle through its warehouse.
- (12) The commission may prescribe by policy or rule, consistent with this title, the general operational requirements of licensees relating to:
  - (a) physical facilities;
  - (b) conditions of storage, distribution, or transport of liquor; and
  - (c) other matters considered appropriate by the commission.

Enacted by Chapter 276, 2010 General Session

**32B-12-302 Notifying the department of change in ownership.**

The commission may suspend or revoke a liquor warehousing license if a liquor warehouser licensee does not immediately notify the department of a change in:

- (1) ownership of the liquor warehouser licensee;
- (2) for a corporate owner, the:
  - (a) corporate officers or directors; or
  - (b) shareholders holding at least 20% of the total issued and outstanding stock of the corporation;or
- (3) for a limited liability company:
  - (a) managers; or
  - (b) members owning at least 20% of the limited liability company.

Enacted by Chapter 276, 2010 General Session